

<b>2 October 2013</b>		<b>ITEM: 6</b>
<b>Licensing Committee</b>		
<b>Review of the Statement of Policy for the Licensing Act 2003</b>		
<b>Report of: Paul Adams, Principal Licensing Officer</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> key	
<b>Accountable Head of Service:</b> Gavin Dennett, Head of Public Protection		
<b>Accountable Director:</b> Lucy Magill – Director of Environment and Public Protection		
<b>This report is Public</b>		
<b>Purpose of Report:</b> To consider the reviewed Statement of Licensing Policy before referral to Full Council for adoption.		

## **EXECUTIVE SUMMARY**

The Licensing Act 2003 previously required Local Councils to review their Statement of Licensing Policy every three years. This has now been amended to every 5 years after this review. A reviewed policy has been produced for consideration and adoption as the current policy expires in January 2014.

### **1. RECOMMENDATIONS:**

- 1.1 That the Committee recommends that Full Council adopts the reviewed Statement of Licensing Policy for Thurrock set out at Appendix 1 to the report.**

### **2. INTRODUCTION AND BACKGROUND:**

- 2.1** The Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further requires the Council to review, determine and publish its Policy with respect to the exercise of its licensing functions every three years, once this review has taken place the legislation has been amended to require carry this out every 5 years.
- 2.2** In compliance with the requirement to review the policy a draft of the reviewed Statement of Licensing Policy has been prepared and is attached as Appendix 1.

2.3 As part of this review interested parties were consulted on a copy of the draft of the reviewed policy and asked to make representations.

### **3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:**

3.1 The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current Policy expires on 6<sup>th</sup> January 2014. It is therefore imperative that the Council adopts a reviewed Policy before this date.

3.2 The reviewed policy has included the legislative changes in the following areas:

- The introduction of the Live Music Act
- The Introduction of Late Temporary Event Notices
- Deregulation of types of Regulated Entertainment
- Removal of the requirement for Interested Parties to live in the vicinity of a premise.
- Adding the Local Health Body as a Responsible Authority
- The revised requirement that policies are reviewed every 5 years.

### **4. REASONS FOR RECOMMENDATION:**

4.1 Adoption of the policy is a Full Council function,

4.2 Following consultation on the revised policy there were no comments therefore the policy is suitable for adoption.

### **5. CONSULTATION (including Overview and Scrutiny, if applicable)**

5.1 Consultation on the reviewed draft policy has been undertaken. All premises licensed under the Licensing Act 2003 by Thurrock Council were written to inviting them to view the draft policy, and to make any comments by writing to the Licensing Department.

5.2 Consultation has also been undertaken with other stakeholders and with Responsible Authorities, including police; fire and rescue; trading standards; health and safety; planning; public health and environmental health.

5.3 The draft policy has also been published on the Council's website for comments.

5.4 The consultation period ran from 8th July 2013 to 2<sup>nd</sup> September 2013.

5.5 No Responses have been received to the consultation.

## **6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

6.1 Thurrock's Statement of Licensing Policy underpins the Authority's administration of the licensing regime. It should accord with the general principles in the Secretary of State's Guidance and promote the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

## **7. IMPLICATIONS**

### **7.1 Financial**

Implications verified by: **Michael Jones**  
 Telephone and email: **01375 652277**  
**mxjones@thurrock.gov.uk**

There are no financial implications for Thurrock Council.

### **7.2 Legal**

Implications verified by: **Chris Pickering – Principal solicitor**  
 Telephone and email: **01375 652925**  
**Chris.pickering@bdtlegal.org.uk**

The granting of Licences is a legal function of the authority and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003. The final policy will need to be adopted by Full Council. The recent changes as noted in the report have changed the way the Council considers licensing issues, including giving the Council more powers and deregulating some activities such as live music. These all follow on from legislative change and have been brought to the attention of the Licensing committee through reports.

### **7.3 Diversity and Equality**

Implications verified by: **Samson DeAlyn**  
 Telephone and email: **01375652472**  
**sdealyn@thurrock.gov.uk**

There are no Diversity Implications at this stage.

### **7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

**BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):**

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

**APPENDICES TO THIS REPORT:**

**APPENDIX 1 - Reviewed Statement of Licensing Policy.**

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